



Senate

General Assembly

File No. 634

January Session, 2011

Substitute Senate Bill No. 1230

Senate, April 26, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TRAFFIC STOP INFORMATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-1m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Not later than January 1, 2000, each municipal police department
4 and the Department of Public Safety shall adopt a written policy that
5 prohibits the stopping, detention or search of any person when such
6 action is solely motivated by considerations of race, color, ethnicity,
7 age, gender or sexual orientation, and the action would constitute a
8 violation of the civil rights of the person.

9 (b) Not later than January 1, 2012, the Office of Policy and
10 Management and the Criminal Justice Information System Governing
11 Board shall, within available resources, develop and promulgate:

12 (1) A standardized form, in both printed and electronic format, to be
13 used by police officers of municipal police departments and the

14 Department of Public Safety to record traffic stop information. The
15 form shall allow the following information to be recorded: (A) Date
16 and time of stop; (B) location of the stop; (C) name and badge number
17 of the police officer making the stop; (D) race, color, ethnicity, age and
18 gender of the operator of the motor vehicle that is stopped, provided
19 the identification of such characteristics shall be based on the
20 observation and perception of the police officer responsible for
21 reporting the stop; (E) nature of the alleged traffic violation or other
22 violation that caused the stop to be made and the statutory citation for
23 such violation; (F) the disposition of the stop including whether a
24 warning, citation or summons was issued, whether a search was
25 conducted and whether a custodial arrest was made; and (G) any other
26 information deemed appropriate. The form shall also include a notice
27 that if the person stopped believes they have been stopped, detained or
28 searched solely because of their race, color, ethnicity, age, gender or
29 sexual orientation, they may file a complaint with the appropriate law
30 enforcement agency, and instructions on how to file such complaint;

31 (2) A standardized form, in both printed and electronic format, to be
32 used to report complaints pursuant to this section by persons who
33 believe they have been subjected to a motor vehicle stop by a police
34 officer solely on the basis of their race, color, ethnicity, age, gender or
35 sexual orientation;

36 (3) A standardized form, in both printed and electronic format, to be
37 used by each municipal police department and the Department of
38 Public Safety to report data to the Office of Policy and Management
39 and the Criminal Justice Information System Governing Board
40 pursuant to subsection (h) of this section; and

41 (4) Guidelines to be used by each municipal police department and
42 the Department of Public Safety in training officers of that agency in
43 the completion of the form promulgated pursuant to subdivision (1) of
44 this subsection and in evaluating the information collected by officers
45 of that agency pursuant to subsection (c) of this section for use in the
46 counseling and training of such officers.

47 (c) On and after January 1, 2012, whenever a police officer makes a
48 traffic stop of a motor vehicle, such officer shall, if a form has been
49 promulgated pursuant to subdivision (1) of subsection (b) of this
50 section, complete such form and provide a copy of the completed form
51 to the operator of the motor vehicle.

52 [(b) Commencing on January 1, 2000] (d) On and after January 1,
53 2012, each municipal police department and the Department of Public
54 Safety shall, [using the form developed and promulgated pursuant to
55 subsection (h)] if a form has been promulgated pursuant to
56 subdivision (1) of subsection (b) of this section, record and retain the
57 [following information: (1) The number of persons stopped for traffic
58 violations; (2) characteristics of race, color, ethnicity, gender and age of
59 such persons, provided the identification of such characteristics shall
60 be based on the observation and perception of the police officer
61 responsible for reporting the stop and the information shall not be
62 required to be provided by the person stopped; (3) the nature of the
63 alleged traffic violation that resulted in the stop; (4) whether a warning
64 or citation was issued, an arrest made or a search conducted as a result
65 of the stop; and (5)] information contained in the forms completed by
66 police officers of that agency in accordance with subsection (c) of this
67 section and any additional information that such municipal police
68 department or the Department of Public Safety, as the case may be,
69 deems appropriate, provided such information does not include any
70 other identifying information about any person stopped for a traffic
71 violation such as the person's operator's license number, name or
72 address.

73 [(c)] (e) Each municipal police department and the Department of
74 Public Safety shall provide to the [Chief State's Attorney and the
75 African-American Affairs Commission] Office of Policy and
76 Management and the Criminal Justice Information System Governing
77 Board (1) a copy of each complaint received pursuant to this section,
78 and (2) written notification of the review and disposition of such
79 complaint. No such complaint shall contain any other identifying
80 information about the complainant such as his or her operator's license

81 number, name or address.

82 [(d)] (f) Any police officer who in good faith records traffic stop
83 information pursuant to the requirements of this section shall not be
84 held civilly liable for the act of recording such information unless the
85 officer's conduct was unreasonable or reckless.

86 [(e)] (g) If a municipal police department or the Department of
87 Public Safety fails to comply with the provisions of this section, the
88 [Chief State's Attorney] Office of Policy and Management and the
89 Criminal Justice Information System Governing Board may
90 recommend and the Secretary of the Office of Policy and Management
91 may order an appropriate penalty in the form of the withholding of
92 state funds from such department or the Department of Public Safety.

93 [(f) On or before October 1, 2000] (h) Not later than October 1, 2012,
94 and annually thereafter, each municipal police department and the
95 Department of Public Safety shall, if a form has been promulgated
96 pursuant to subdivision (3) of subsection (b) of this section, use such
97 form to provide to the [Chief State's Attorney and the African-
98 American Affairs Commission, in such form as the Chief State's
99 Attorney shall prescribe,] Office of Policy and Management and the
100 Criminal Justice Information System Governing Board a summary
101 report of the information recorded pursuant to subsection [(b)] (d) of
102 this section.

103 [(g) The African-American Affairs Commission] (i) The Office of
104 Policy and Management and the Criminal Justice Information System
105 Governing Board shall, within available resources, review the
106 prevalence and disposition of traffic stops and complaints reported
107 pursuant to this section. Not later than January 1, [2004] 2013, and
108 annually thereafter, the [African-American Affairs Commission] office
109 and board shall report the results of any such review, including any
110 recommendations, to the Governor, the General Assembly and [to] any
111 other entity [said commission deems] deemed appropriate. [the results
112 of such review, including any recommendations.]

113 [(h) Not later than January 1, 2000, the Chief State's Attorney, in
114 conjunction with the Commissioner of Public Safety, the Attorney
115 General, the Chief Court Administrator, the Police Officer Standards
116 and Training Council, the Connecticut Police Chiefs Association and
117 the Connecticut Coalition of Police and Correctional Officers, shall
118 develop and promulgate: (1) A form, in both printed and electronic
119 format, to be used by police officers when making a traffic stop to
120 record the race, color, ethnicity, gender and age of the operator of the
121 motor vehicle that is stopped, the location of the stop, the reason for
122 the stop and other information that is required to be recorded pursuant
123 to subsection (b) of this section; and (2) a form, in both printed and
124 electronic format, to be used to report complaints pursuant to this
125 section by persons who believe they have been subjected to a motor
126 vehicle stop by a police officer solely on the basis of their race, color,
127 ethnicity, age, gender or sexual orientation.]

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2011	54-1m
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Statement of Legislative Commissioners:

In subsections (c), (d) and (h), language was revised to reflect that promulgation of the forms is conditioned on the availability of agency resources.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact to law enforcement agencies to implement the standardized forms pursuant to the bill. The law currently requires police officers to utilize the traffic stop information form as developed by the Chief State's Attorney. The bill replaces these forms with the standardized forms to be developed by the Office of Policy and Management (OPM) and the Criminal Justice Information System (CJIS) board. Furthermore, the bill redirects law enforcement agencies to provide copies of complaints and information to OPM and CJIS, instead of the Chief State's Attorney.

There is no fiscal impact to the Office of Policy and Management and the Criminal Justice Information System Governing Board associated with the development and promulgation of a standardized form, in printed and electronic format.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1230*****AN ACT CONCERNING TRAFFIC STOP INFORMATION.*****SUMMARY:**

This bill suspends municipal police departments' and the Department of Public Safety's duty to record and report traffic stop information on July 1, 2011. It requires them to resume recording the information starting on January 1, 2012 and reporting summary data on October 1, 2012, if new standardized forms are developed. It:

1. requires, within available appropriations, the Office of Policy and Management (OPM) and Criminal Justice Information System (CJIS) Governing Board to develop and promulgate new standardized forms by January 1, 2012;
2. requires police officers to record traffic stop information using these new forms and give a copy to each motor vehicle operator stopped, starting January 1, 2012, if the forms have been developed; and
3. requires police departments to record and retain the traffic stop information using the new forms beginning on January 1, 2012, and annually report the data to OPM and the CJIS board beginning by October 1, 2012, if the forms have been developed.

The bill also requires departments to give copies of complaints regarding traffic stops and information on their review and disposition to OPM and the CJIS board, instead of the chief state's attorney and the African-American Affairs Commission (AAAC). It eliminates the requirement that the AAAC review the traffic stops data and complaints and issue annual reports with recommendations to the governor, General Assembly, and any other appropriate entity.

Instead, OPM and the CJIS board, within available appropriations, must begin issuing these annual reports by January 1, 2013.

The bill allows OPM and the CJIS board, instead of the chief state's attorney, to recommend that the OPM secretary withhold state funds as a penalty for a department that does not comply with the traffic stop provisions.

EFFECTIVE DATE: July 1, 2011

FORMS

The law required the chief state's attorney, in conjunction with various others, to develop a form by January 1, 2000, for police officers to use to record traffic stop information. In addition, police departments are required to report certain information.

The bill replaces the form with a new form OPM and the CJIS board develop and promulgate, within available appropriations, by January 1, 2012, and requires departments to record and retain the information on the forms.

The new form must contain much of the information currently required on the form and that departments must record. As under current law, this information includes:

1. the stop location;
2. the race, color, ethnicity, age, and gender of the driver, with the characteristics based on the officer's observation and perception;
3. the nature of the alleged traffic violation;
4. the disposition of the stop including whether a warning or citation was issued, search was conducted, or arrest made; and
5. any other appropriate information.

The bill also requires the form to include:

1. the date and time of the stop;
2. the officer's name and badge number;
3. whether the stop was for a violation other than a traffic violation, and the statutory citation for the traffic or other violation;
4. whether a summons was issued in conjunction with the disposition; and
5. a notice that the person stopped may file a complaint with the appropriate law enforcement agency and how to do so, if the person believes the stop, detention, or search was solely because of his or her race, color, ethnicity, age, gender, or sexual orientation.

The bill requires OPM and the CJIS board to adopt guidelines to train officers to complete the forms and evaluate information collected for counseling and officer training.

It also requires OPM and the CJIS board to develop (1) a new complaint form to replace the one officers give people they have stopped and (2) a form for departments to use to report data to OPM and the CJIS board.

Under the bill, the form for reporting to OPM and CJIS must be in both printed and electronic format. As under current law, the traffic stop and complaint forms must be in both formats.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 9 (04/06/2011)